Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of	)	
	)	
Petition Pursuant to 47 U.S.C. 160 for Partial	)	WT Docket No. 01-184
Forbearance from the Commercial Mobile	)	
Radio Services Number Portability Obligation	)	
	)	

REPLY COMMENTS OF PUBLIC SERVICE CELLULAR

PUBLIC SERVICE CELLULAR

Michael K. Kurtis
Lisa L. Leibow

Its Attorneys

Kurtis & Associates, P.C.
1000 Potomac Street, N.W. Suite 200
Washington, D.C. 20007
(202) 328-4500

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Public Service Cellular ("PSC"), by its attorneys, and in accordance with the public notice[1] released by the Federal Communications Commission ("FCC" or "Commission") in the above-captioned proceeding, hereby respectfully submits its reply to comments submitted with respect to the above-captioned proceeding. As more fully discussed below, PSC believes that the record does not support Verizon's request for permanent forbearance of the wireless number portability ("WNP") requirements. PSC also believes that there is little gained by proceeding with number pooling at this time but, should the FCC decide to do so, the FCC should act to freeze the planned MIN/MDN separation which, contrary to the assertions previously submitted, is ***not*** required to implement number pooling. Lastly, from a small carrier standpoint, the absolute worst thing that the FCC could do would be to allow the separation of the MIN/MDN while permanently forbearing from WNP. Accordingly, PSC respectfully submits that the most prudent action for the FCC at this time would be to delay MIN/MDN separation and forebear from enforcing WNP and wireless number pooling for a period of two (2) additional years.

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[1] "WTB Seeks Comment on Wireless LNP Forbearance Petition Filed by Verizon Wireless," *Public Notice*, WT Docket No. 01-194, DA 01-1872 (rel. Aug. 7, 2001). ("Public Notice").

SUMMARY

CMRS carriers are today faced with a number of costly system upgrades, expansions and enhancements needed to meet a series of FCC-mandated requirements. Among these are CALEA compliance, TTY compatibility for digital handsets, E911 Phase I and E911 Phase II and WLNP. Conceptually, these worthwhile mandates might not appear to be that costly to implement. However, for small, rural carriers such as PSC, the cost of compliance with these mandates is staggering. First, the "software" updates to provide these services each have an up-front cost. However, the magnitude of the cost of the mandate-specific software pales in comparison to the costs associated with making the system "ready" to accommodate that software and actually provide the service. BY way of example, in PSC's case, implementation of offering as "simple" as TTY compatibility will require a major system reconfiguration. The net result is a substantial capital outlay, spread only across a rural subscriber base, to accommodate these worthwhile, but non-revenue enhancing obligations. WNP has with it the additional costs of essentially updating all of PSC's back-office platforms which have been based, almost exclusively, on the subscriber's phone number.

Until now, most CMRS platforms have used a single number (the mobile identification number - MIN) to identify the subscriber unit. This number was the same as the mobile directory number ("MDN") used to actually dial a call to that mobile. In order to implement WNP, it is required that the MIN and MDN be "separated" to allow for the identification of the mobile and its home carrier separate and apart from the number used to contact the mobile unit. This is needed since the MDN would be "ported" from one carrier to another. If carriers are required to separate the MIN and MDN in order to accommodate WNP, that same protocol can be used to accomplish

thousands block number pooling ("TBNP"). Therefore, the two requirements (WNP and TBNP) have been "married" together.

The cost of MIN/MDN separation is extreme and has been well documented in Verizon's forbearance petition. However, Verizon continues to demonstrate that there would be additional costs associated with WNP, even beyond those needed for TBNP. Accordingly, Verizon has asked the FCC to forebear from the requirements of WNP but not TBNP. PSC respectfully submits that while the MIN/MDN separation ***can*** be used to accomplish TBNP, absent WNP, it is neither a necessary nor cost-effective means of accomplishing TBNP. Moreover, PSC questions whether TBNP, in the fast-growing wireless environment in major cities would actually serve to conserve numbers. In any event, absent WNP, the FCC should freeze the MIN/MDN separation ***even if*** the Commission were to decide to proceed with wireless TBNP at this time.

I. BACKGROUND

In July 1996, the Commission adopted number portability rules and deployment schedules for both local exchange carriers (LECs) and CMRS carriers.[2] Later, in response to a petition for forbearance filed by CTIA, the Commission delayed the implementation date for WNP,[3] allowing CMRS carriers to delay implementation of local number portability until November 24, 2002. Verizon now asks the Commission to forbear, on a permanent basis, from imposing its WNP mandate on CMRS carriers. Verizon asks the Commission instead to allow carriers to focus their

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[2] Telephone Number Portability, CC Docket No. 95-116, *First Report and Order*, 11 FCC Rcd 8352 (1996); Telephone Number Portability, CC Docket No. 95-116, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236 (1997).

[3] In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations, *Memorandum Opinion and Order*, 14 FCC Rcd 3092 (1999).

resources on becoming pooling capable. Verizon claims "[t]his action would fully achieve all of the FCC's goals for number optimization. . . . [I]t would remove a costly enormously complex and totally unnecessary burden that CMRS carriers face to be ready for single number portability." The Commission issued its public notice requesting industry comment on Verizon's Forbearance Petition. Industry Comments were filed on September 21, 2001. PSC hereby responds to certain industry comments filed on that date.

II. THE COMMISSION SHOULD FORBEAR FROM ALL LOCAL NUMBER PORTABILITY AND POOLING REQUIREMENTS FOR TWO ADDITIONAL YEARS.

A. Thousands Block Number Pooling Is Not Expected to Result in Number Conservation in a Wireless Environment.

The purpose behind TBNP is clear; to prevent significant blocks of numbers from lying fallow where an entire 10,000 block of numbers is assigned but remains unused. However, the Commission's TBNP mandate only applies in the top one hundred MSAs. PSC submits that, in that context, there is little chance of pooling resulting in any significant number conservation. There are few, if any, wireless carriers in those major metropolitan areas that will not assign 10,000 numbers in the course of a year. Accordingly, the likelihood of large blocks of numbers lying fallow such that implementation of TBNP would provide significant numbering relief in that context, seems remote.

In addition, PSC submits that the full impact of the "top 100 MSA" limitation for TBNP has not been fully considered in the context of the rural carriers. PSC is the licensee, *inter alia,* of RSAs that abut the Altanta, Georgia MSA (a "top 100 MSA"). However, since the original licensing of those RSAs, portions of the area that was originally licensed as an RSA, has since become included

in the update of the Atlanta MSA [4] Accordingly, the question arises as to whether, under a strict application of the "top 100 MSA" requirement, PSC would be required to introduce TBNP in those rural areas that were originally a part of an RSA but are now a part of a "top 100 MSA". To the extent that pooled numbers are only assigned within the same rate center, it is extremely unlikely that any numbers "freed-up" by PSC's TBNP in the more-rural portions of what is now a part of the Atlanta, GA MSA would have any real impact on making numbers available throughout the metropolitan Atlanta area. Is the "top 100 MSA" requirement intended to apply in those areas?

PSC submits that significant number conservation will not be achieved through implementation of TBNP, in general, and more specifically, in the portions of areas originally

[4] Coweta County, Georgia, which was originally licensed as a part of Georgia RSA No. 5, but is now considered to be a part of the Atlanta, GA MSA (a top 100 MSA), as it is now defined. Publicly available data reveals many other top 100 MSAs which now include counties which were originally licensed as part of other RSAs. For example, the Atlanta, GA MSA now also includes Spalding County which was FCC-licensed as part of the Georgia RSA No. 6; and Lafayette County, Missouri, which was originally licensed as part of Missouri RSA No. 7, is now part of the Kansas City, MO-KS MSA (another top 100 MSA). *Compare* "Common Carrier Public Mobile Services Information Cellular MSA/RSA Markets and Counties, Report No. CL-92-40," *Public Notice*, DA 92-109, rel. Jan. 24, 1992, corrected Feb. 3, 1992, *with* "Metropolitan Areas and Components, 1999, With FIPS Codes (Metropolitan areas defined by Office of Management and Budget, 6/30/99), *www.census.gov/population/estimates/metro-city*, last visited Oct. 17, 2001.

licensed to RSAs but which have since become a part of the area that is currently defined to be a part of a "top 100 MSA."

B. The Commission Should Forbear From WNP For An Additional Two-Year Period.

The arguments presented by Verizon and supporting commenters do not support permanent forbearance for WNP. Instead, PSC submits that a compelling case has been made for the Commission to continue its current two year forbearance for an additional two-year period and re-evaluate the matter at that time. Verizon asserts that since "the wireless industry is already competitive, . . . CMRS number portability – with all its costs – cannot be necessary for competition."[5] In making this claim, Verizon's reasoning is based upon an historical view of the competitive CMRS landscape which is becoming ever less applicable to CMRS operations. The Verizon position fails to address the changing wireless landscape which PSC believes will vastly change the competitive need of a CMRS carrier to be able to port a subscriber. In addition, the current porting environment is limited to service provider portability; i.e. porting a CMRS number from one CMRS carrier to another. The analysis presented by Verizon and the supporting commenters fail to address the potential competitive (or anti-competitive) impact of forever freezing wireless carriers out of number portability as service portability (such as landline to wireless) and geographic number portability become available.

1. Verizon and Supporting Commenters Rely on an Historical CMRS Competitive Perspective and Fail to Consider that the Evolving CMRS Industry May Well Require Enforcement of Wireless Number Portability Rules at a Point In the Future.

[5] Verizon Comments at 1.

Verizon and those who support Verizon's request[6] for permanent forbearance from enforcement of WNP requirements rely heavily upon the Commission's prior ruling on CTIA's Petition for Forbearance.[7] While PSC agrees that those arguments are still largely valid and would support extending the current forbearance for an additional two year period of time, PSC believes that commenters urging against indefinite forbearance have, by far, the more compelling argument. The Commission's rules were promulgated against a backdrop of wireless carriers charging end users based upon minutes of use (MOU) for both out-going and incoming calls. This "called party pays" rate structure acted as a deterrent to end users' disclosure of wireless telephone numbers in order to minimize incoming calls. With narrowly distributed phone numbers, the impact of changing that number in order to change carriers is minimal. However, times are changing. While "consumers may at one time have been 'reluctant to distribute their CMRS telephone numbers,' . . . that reluctance has been waning as consumers have begun to substitute wireless phones for wireline phones."[8] With the advent of reciprocal compensation and inter-carrier facilities charges based upon the percent of traffic terminated by each carrier over the circuit, CMRS carriers have begun implementing "first inbound minute free" calling plans. This has lessened the cost to the CMRS subscriber for incoming calls, a cost which had previously argued against dissemination of

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[6] *See, e.g.*, Verizon Petition, Verizon Comments, Cingular Wireless, LLC Comments, Joint U.S. Cellular/VoiceStream Comments, ALLTEL Communications, Inc., Sprint PCS, AT&T Wireless.

[7] *See* CTIA Petition for Forbearance from CMRS Number Portability Obligations and Telephone Number Portability, WT Docket 98-229, *Memorandum Opinion and Order*, 14 FCC Rcd. 3092, (1999).

[8] Opposition of Association of Communications Enterprises at 10, *citing* Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, annual Report and Analsis of Competitive Market Conditions with Respect to Commercial Mobile Service

a subscriber's wireless number. The record demonstrates that in today's environment, digital calling plans and increased competition, have also

> "resulted in lower prices and, importantly, in the availability of large buckets of airtime minutes at a fixed monthly charge under most calling plans. . . . As a result, customers are increasingly using their cell phones for incoming calls and giving out their cell phone numbers as freely as they give out their wireline numbers."[9]

As the dissemination of wireless numbers becomes ever more wide-spread, the competitive impact of ***not*** being able to port a subscriber's number will become greater. Indeed, as the wireless calling rates continue to decline and more and more users substitute their wireless phones for their traditional landline phones, the same exact competitive needs that led to implementation of number portability in the landline market will become far more applicable in the wireless market. Accordingly, while the Verizon analysis is accurate from an historical perspective, it ignores the fact that the wireless environment is changing in a way that, over time, will make the Verizon analysis less applicable. Accordingly, the argument for permanent forbearance cannot be made from the historical perspective presented.

2. Verizon and the Commenters in Favor of Forbearance Ignore Service and Geographic Number Portability and the Impact of Those Services on the Future Need for WNP.

(Sixth Report), FCC 01-192, pp. 32-34 (July 17, 2001).

[9] Comments of WorldCom, Inc. at 5-6.

The New Hampshire PUC points out that Verizon's argument "ignores a key arena for competition that is in fact impeded by lack of LNP, to wit, wireless to [landline] competition."[10] Verizon's arguments in favor of forbearance are again based on the historic perspective of customers obtaining a wireless telephone in addition to their wireline telephone, and thus requiring an additional telephone number. However, it "says little about the extent to which the balance of the landline market is effectively locked up by virtue of the inability to keep one's number when moving to wireless service." As the marketplace continues to evolve, wireless will play an ever-increasing role in telecommunications. The wireless handset is envisioned to continue to evolve into a true replacement for traditional wireline service offerings. To permanently forbear from WNP at this time, based upon an analysis of only local CMRS carrier-to-carrier portability, is to ignore the far greater competitive issues that become relevant when service provider portability comes into being. To understand the potential anti-competitive impact of denying this type of portability, the Commission need only remember that it was the inability to retain a landline subscriber's existing number in the CLEC environment that led to the creation of the local number portability requirement in the first place.

From the perspective of the small rural carrier, the prospect of geographic portability holds substantial additional competitive promise. Again, using PSC's market as an example, PSC's NPA-NXX codes have rate centers in rural areas. However, several of PSC's direct competitors enjoy license areas that include the Atlanta, Georgia metropolitan area. Today, WNP is only applicable when a number is ported within the same rate center; a situation that does not present much of an opportunity to a rural carrier. However, with geographic portability PSC would be able to allow a

[10] Comments of the New Hampshire Public Utilities Commission at 11.

customer from a large competitor to maintain its existing wireless number from Atlanta when the subscriber's CMRS service was ported to PSC. PSC believes that that capability would greatly enhance its ability to compete in the marketplace. However, permanent forbearance of the number portability rules at this time would preclude that scenario from ever developing.

C. There is no Disadvantage to Extending the Current Forbearance for an Additional Two Years.

As set forth above, PSC believes that a case has been made to extend the Commission's current forbearance for an additional two-year period, but not on a permanent basis. Indeed, a two-year extension of the existing forbearance would appear to be the most prudent way for the Commission to proceed as it would preserve all options as the wireless marketplace continues to evolve and mature. If PSC is correct that the competitive landscape will dramatically alter the need for WNP, then the expiration of the number portability forbearance in two years would be beneficial. However, if, as Verizon suggests, the need for wireless number portability does not materialize, there would be nothing stopping the Commission from issuing a further extension of the WNP forbearance. Indeed, PSC submits that the Communications Act[11] itself would preclude permanent forbearance under the current circumstances. The Act clearly requires that

> In making a determination [that forbearance is consistent with the public interest]...the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services.[12]

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[11] The Communications Act of 1934, As Amended, 47 U.S.C. §§ 151 *et. seq.*

[12] 47 U.S.C. §160(b).

PSC submits that the arguments advanced for forbearance fall far short from demonstrating that permanently forbearing from enforcing would be "pro-competitive." To the contrary, the record now appears to indicate that WNP will, at a future time, become essential in promoting competitive market conditions. Accordingly, any forbearance granted by the Commission on a permanent basis cannot be sustained under the Act.

III. IF THE COMMISSION FORBEARS FROM PORTING BUT NOT POOLING, IT SHOULD FREEZE THE PLANNED MIN/MDN SEPARATION UNTIL THE PORTING RULES ARE ENFORCED.

A. MIN/MDN Separation is ***NOT*** Required For Pooling-Only.

The cost associated with implementing WNP is primarily tied to the need for CMRS carriers essentially to update each and every back-office function that is based upon a subscriber's MIN which, currently, is the same as the MDN. The Commission considered the costs associated with MIN/MDN separation as a basis for granting its original two-year forbearance.[13] Those costs are no less now and come at a time when small rural carriers, such as PSC, are faced with implementation of a broad array of other costly regulatory mandates such as E-911 Phase II , CALEA and TTY Compatibility. Verizon submits in its petition that MIN/MDN separation is required in order to allow for roaming in a pooling environment, even if the WNP forbearance is granted. If that were the case, then even more reason would exist for forbearing from proceeding with number pooling at this time. However, while MIN/MDN separation could be used to facilitate number pooling, PSC does not believe that MIN/MDN separation is required in order to enable

[13] In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, WT Docket No. 98-299, CC Docket No. 95-116, *Memorandum Opinion and Order*, 14 FCC Rcd 3092, 3107-3108 (1999).

pooling-only. Appended hereto is an engineering statement explaining how local routing numbers ("LRN") and roaming can still be accomplished in a pooling-only environment, without MIN/MDN separation. MIN/MDN separation as a vehicle for accomplishing TBNP is only cost effective where WNP, which actually does require the MIN/MDN separation, is simultaneously (or has been previously) implemented. Absent WNP, the MIN/MDN separation becomes an unnecessary and cost-prohibitive means of accomplishing TBNP.

Presently, the MIN, which for most carriers is the same as the MDN,[14] is used to identify the mobile subscriber unit. This MIN provides the information needed to route a call to the mobile unit and identify the home system for a subscriber. As explained more fully in the appended engineering statement, absent WNP, even if the MIN/MDN were separated, the MIN/MDN combination pair for each mobile would not change once assigned. Indeed, except in the case where an NPA-NXX was pooled, the MIN/MDN, even though separated into two discrete data fields, would contain the identical number in each field. Absent WNP, where the MIN/MDN pairings could change for any given number at any given time, there is no reason that the MIN/MDN could not be the same even for pooled numbers since the dialed number would never need to be ported to another carrier. Stated another way, so long as the MIN is distinct (which the dialed digits always need to be), there is no technical reason that the MDN could not continue to be used for both routing purposes and identification purposes. Instead of identifying a carrier by the NPA-NXX, the carrier could be identified by the NPA-NXX**-X.** Indeed, many rural carriers commonly obtain partial blocks of numbers from LECs in conjunction with Type 1 interconnection facilities. Roaming is accomplished

[14] Of the presently deployed digital technologies, only GSM functionally separates the MIN and MDN.

for these carriers by simply identifying these smaller number blocks (sometimes down to hundreds or tens blocks) for roaming purposes by their roaming partners.

From a routing perspective, again there is no need to separate the MIN and the MDN. Number portability has been accomplished in the landline network using the LRN scheme for call-routing of ported numbers without the need to create an identification number separate from the directory number. Data "dips" to determine the LRN, simply are performed on the basis of the directory number. The dip response, in the form of the LRN, provides the routing information. The same protocol easily could be used for routing of individual numbers in "pooled" NPA-NXXs. The landline-style data dip, performed on the MDN, would simply return an LRN. Since the directory number would never change from one carrier to another in a number pooling environment absent WNP, the directory number therefore easily can be used for call routing just as it is in the landline number portability environment. Accordingly, there is no need to separate the MDN from the MIN.

Since there is no technical reason requiring the MIN/MDN separation in order to proceed with pooling, PSC submits that if the FCC forbears from enforcing the WNP requirements, it should also act to freeze the separation of the MIN/MDN until such time as number porting is implemented. To do otherwise, would be to saddle rural carriers with the costs associated with MIN/MDN separation for absolutely no purpose.

Indeed, by proceeding with MIN/MDN separation, the FCC would be taking a giant step backward from the regulatory standpoint of CMRS carriers, in effect, once again forcing CMRS carriers to pay for their NPA-NXX codes; a practice which took years of regulatory intervention to end. Under the current MIN/MDN separation plan, carriers must register with the database administrator for assignment of carrier MBI codes. The MBI administrator has yet to advise carriers

as to the level of fees it will charge for each MBI, but has advised that fees would be charged. Under the grand-fathering provisions, carriers initially will be assigned MBIs which are nothing more than their existing NPA-NXX codes. Absent WNP, non-pooling carriers need never be assigned MBIs other than their NPA-NXX codes. When a rural carrier needs to open a new NPA-NXX, it will obtain that code, without charge, through the North American Numbering Council, just as it does today. However, the carrier will then turn around and have to pay the MBI administrator to have those same exact six digits assigned as an MBI. Absent number portability, there is no benefit from having the same number labeled as an "MBI" and charging the carrier a recurring fee to "administer" that number. Absent number portability, there is no benefit to creating and administering a separate MBI database which, for all intents and purposes, would be nothing more than a "database" of existing NPA-NXX codes.

The "worst of all worlds" arises in the context of a permanent forbearance of number portability as urged by Verizon, while allowing the MIN/MDN separation to proceed. The net result would be to impose the vast majority of the costs of implementing number portability (i.e. those costs associated with MIN/MDN separation), while forever precluding rural carriers from realizing the competitive benefits which number portability can bring in a few years as wireless phones replace traditional landline phones and service and geographic portability become available. In its comments, the Rural Cellular Association suggests that the FCC not mandate MIN/MDN separation but allow non-pooling carriers the "option" to decide whether or not to implement MIN/MDN separation.[15] While this optional compliance regime sounds attractive, it is illusory.

[15] *See* Comments of the Rural Cellular Association at 6-7.

First, the MBI administrator has opened a narrow window in which carriers can apply to have their NPA-NXX codes assigned as their MBIs. Carriers that do not apply for and pay the as of yet undisclosed administrative fees during this window, risk having their NPA-NXX codes assigned to other carriers as those carrier's MBIs. Of course, there absolutely is no advantage associated with assigning these NPA-NXX codes to other carriers as their MBIs except to, in essence, require all carriers to sign up for and pay to administer MBI codes. Accordingly, all carriers, whether or not pooling and whether or not porting numbers, will need to do so to preserve the rights to those codes. Second, since virtually every rural carrier relies upon roaming revenues from one or more of the top 100 MSAs, the economic reality is that rural carriers will be required to support MIN/MDN separation if that protocol is allowed to proceed, regardless of the fact that there are far more economical ways to implement pooling-only if WNP implementation is delayed. Without prejudice to the forgoing, PSC requests that if the Commission forbears from WNP but does not freeze the MIN/MDN separation, that the FCC preclude the MBI administrator from assigning an MBI that matches a CMRS carrier's NPA-NXX to any other carrier. In addition, until such time as number portability takes effect, the FCC should require the MBI administrator to forbear from collecting any fees associated with the assignment or administration of an MBI associated with any non-pooled NPA-NXX.

Quite simply, number pooling can be accomplished by using LRN technology and intercarrier roaming partner communication of assigned thousands blocks much more cost effectively, from a smaller wireless carrier perspective, than the institution of the MIN/MDN separation. Accordingly, if the Commission sees fit to grant Verizon's request for permanent forbearance despite strong evidence to the contrary, at the very least, PSC urges the Commission

to default the MBI of carriers not subject to pooling to their currently assigned, NPA-NXX, without requiring the payment of fees for the assignment of these codes that are nothing more than the non-pooling carriers existing NPA-NXX codes. Further, PSC requests that the Commission specifically remove the MIN/MDN separation requirement and prevent its use by the industry until such time that WNP is implemented.

IV. CONCLUSION

While the record supports a continuation of forbearance of WNP and wireless number pooling for an additional period of time, it simply does not support a permanent forbearance from enforcing wireless number portability. PSC urges that the existing forbearance be continued for an additional two-year period of time. In the event that the FCC were to proceed with number pooling at this time but not WNP, then PSC urgently requests that the FCC freeze plans to separate the MIN and MDN until such time as WNP is enforced. To do otherwise is to force small carriers to incur virtually all of the deployment costs associated with number portability while foreclosing them from gaining the competitive benefits it was intended to foster. MIN/MDN separation is wholly unnecessary in order to support pooling-only. By far the worst scenario would be for the Commission to allow MIN/MDN separation to proceed while permanently forbearing from WNP. In that case, small rural carriers would have incurred much of the cost associated with WNP while being precluded from realizing the future competitive benefits that will flow from WNP, and large carriers, who potentially have the most to lose from increasing competition in the marketplace, would have succeeded in avoiding the future competitive impact of number portability by obtaining a permanent forbearance at a time when the full competitive need was yet to materialize.

Respectfully submitted,

PUBLIC SERVICE CELLULAR

By: /s/ Lisa L. Leibow_____
Michael K. Kurtis
Lisa L. Leibow

Its Attorneys

Kurtis& Associates, P.C.
1000 Potomac Street
Suite 200
Washington, D.C. 20007
(202) 328-4500

October 22, 2001

DECLARATION OF FRANK A. RONDINELLI

I, Frank A. Rondinelli, declare and state as follows:

1. That I graduated from Valparaiso University, Valparaiso, Indiana, with the degree of Bachelor of Science in Electrical Engineering in 1987 and the University of Phoenix with the degree of Master of Business Administration in 2001.

2. That I am a senior communications engineer with the firm of Kurtis & Associates, P.C., 1000 Potomac Street, N.W., Suite 200, Washington, D.C. 20007 and have been employed in that capacity since 1988. I have specialized in all facets of wireless telecommunications systems, including radio wave propagation and the design of Cellular, PCS, one-way, two-way and point-to-point microwave systems. I have expertise in the operation of the PSTN, interconnection matters, call routing, switch translation matters and CMRS back-office applications including roaming.

3. That I have reviewed the Verizon Wireless Petition Pursuant To 47 U.S.C. § 160 For Partial Forbearance From The Commercial Mobile Radio Services Number Portability Obligation filed August 2, 2001 (WT Docket No. 01-184), ("Verizon Petition");

4. That, on behalf of Public Service Cellular, I was responsible for the preparation of the attached Engineering Report in response to the Verizon Petition; and

5. That the statements set forth in this Declaration and the attached Engineering Statement are true, complete and correct to the best of my knowledge.

/s/ Frank A. Rondinelli

October 22, 2001 Frank A. Rondinelli

ENGINEERING REPORT

This Engineering Report was prepared for and on behalf of Public Service Cellular ("PSC") in response to the position set forth in the Verizon Wireless petition for partial forbearance from the wireless number portability ("WNP") requirements. Specifically, this Engineering Report takes issue with the representation that MIN/MDN separation is required for implementation of thousands block number pooling ("TBNP") and inter-system roaming.[1] While there is no issue that MIN/MDN separation ***can*** be used to facilitate TBNP and inter-system roaming for pooled numbers, it is by no means necessary to facilitate those items. The proposal to use MIN/MDN separation in these contexts, was tied to the implementation of WNP, which ***would*** require MIN/MDN separation. By implementing pooling in conjunction with WNP, using the same MIN/MDN separation methodology represented a low ***incremental*** cost means of implementing TBNP. However, absent WNP, the use of MIN/MDN separation is extremely costly, unnecessarily complex and by no means necessary to accomplish TBNP.

Roaming

Perhaps the easiest way to address this issue is to realize that wireless carriers today routinely provide roaming to partial blocks of numbers, in an environment where the MIN and MDN are the same. Specifically, in rural areas where carriers routinely utilize Type 1 interconnection, wireless carriers are assigned a partial block of numbers from the service landline LEC. Where two or more wireless carriers share a block of numbers from the same landline serving end office, you have the exact situation from a roaming standpoint, that you have from a TBNP standpoint: more than one carrier having subscriber numbers assigned from the same NPA-NXX.

Rural carriers, such as PSC, typically populate their roaming tables with the NPA-NXX combinations associated with their primary roaming partners. Where one of those partners has a partial block of numbers assigned, carriers presently have the ability to populate the roamer tables by NPA-NXX-***X***, which represents a full thousands block; the precise situation presented in TBNP. Indeed, in limited circumstances, carriers identify valid roamer numbers down to the hundreds or the tens block. Accordingly, the current technology allows for serving roamer numbers without the need to accommodate split MIN/MDNs.

[1] Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 For Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184, filed Aug. 2, 2001, at 25, and at Appendix, pp. 3-5.

On the surface, an argument could be made that MIN/MDN separation would be easier to administer because it would allow a carrier to populate its roaming tables with only 6 digit numbers (the MBI portion of the MIN). However, that "ease of administration" comes at a significant monetary cost and by adding layers of complexity. First, implementation of MIN/MDN separation requires that each and every back office function be modified. This layer of complexity is added even though absent WNP, the vast majority of MINs and MDNs would remain the identical ten (10) digit number.[2] Even where the MIN/MDN differ, once assigned, absent WNP the MIN/MDN combination would forever remain unchanged. Indeed, while there may be a requirement to perform a database search to determine the proper routing for a pooled NPA-NXX mobile (see discussion below), since the MDN would ***always*** route to the same carrier, should the carrier choose[3] to perform a data dip for call routing purposes, the dip can be performed on the MDN. Accordingly, all costs associated with MIN/MDN separation would be incurred ***only*** to provide service to a portion of the numbers from a "pooled" NPA-NXX; service which could be provided under the current protocols with virtually no implementation costs.

LRN Technology can be Utilized Without MIN/MDN Separation

[2] Under the MIN/MDN separation plan, all existing carriers would be allowed to file to grandfather their existing NPA-NXX codes as MBIs. Accordingly, for the vast majority of existing NPA-NXX codes, the MIN and MDN would remain the same. Only where an NPA-NXX becomes pooled, would the MIN/MDN have the potential to differ. Since the initially assigned carrier would be allowed to obtain the pooled NPA-NXX as an MBI, even those numbers would be assigned the same MIN/MDN. Accordingly, it is only a ***portion*** of the pooled numbers that would not have the same MIN/MDN.

[3] Indeed, absent WNP, wireless carriers could simply perform the routing functions for pooled NPA-NXX codes by editing their translation tables to route calls by the NPA-NXX-***X*** where direct circuits interconnect the wireless carriers.

As with roaming, while MIN/MDN separation ***can*** be used to facilitate call routing with utilization of LRN protocols, it is by no means necessary, ***or of any inherent value,*** if implemented without WNP. The LRN procedure is accomplished by performing a data dip on one number to obtain a local routing number. In the landline environment, the data dip is presently performed on the "dialed digits;" the equivalent of the MDN. There is absolutely no reason that the data dips could not similarly be performed on the single, unified MIN presently implemented, in order to obtain an LRN for the pooled number.

Again, it must be realized that the LRN would need only to apply to those numbers that are from a "pooled" NPA-NXX. Accordingly, the vast majority of wireless calls to top 100 MSAs, even where TBNP is required, will not require data dips at all. So, again, whatever protocol is followed, it only relates to the routing of calls to a slim minority of numbers.

The LRN protocol only applies in the context of digits dialed to a wireless number assigned a number from a pooled NPA-NXX.[4] Indeed, the procedure is identical whether the call originates from a landline switch or another wireless switch. In both cases, a data dip must be performed ***based on the dialed digits*** (MDN). Whether or not the MIN is the same as the dialed digits is irrelevant as ***only the dialed digits are presented with which to perform the data dip***. Stated another way, when someone places a call to a wireless unit, the only information they provide to the LEC or the wireless system on which the call is dialed, is the MDN. Accordingly the LRN ***must*** be obtained by performing a data dip based on the MDN.[5] The proper LRN is returned ***whether or not the MIN and MDN are the same or different numbers!*** Accordingly, the use of the LRN protocol, presently in place for routing landline ported numbers, would be unaffected by maintaining a single, consolidated MIN and MDN.

In light of the foregoing, it is respectfully submitted that there is no benefit to separating the MIN and MDN ***unless*** it is done in conjunction with the provisioning of WNP. Indeed, if implementation of WNP were delayed, even on a temporary basis, there would be no downside, from the standpoint of implementing TBNP, to delaying the MIN/MDN separation for a similar period of time. From an economic standpoint, delaying the MIN/MDN split would represent a significant cost savings for all carriers; costs which otherwise would need to be recovered from their subscribers.

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[4] The validation of a pooled NPA/NXX subscriber was already accomplished, as discussed above, without the need to separate the MIN and MDN. With respect to incoming calls to this "roamer," the home network would forward any incoming calls to the visited network, just as it does today by the use of a temporary directory number and transmission of the mobile MDN in the data provided to allow the visited system to properly page the roaming mobile. Accordingly, MIN/MDN separation is wholly unnecessary and inapplicable from the standpoint of routing calls to a visited system where a mobile with a pooled NPA-NXX is roaming.

[5] *See,* TIA/EIA-41-D *Enhancements for Wireless Number Portability Phase II,* Interim Standard TIA/EIA/IS-756-A (Dec. 1998).

The absolute most inefficient and wasteful implementation scheme would be to proceed with the MIN/MDN separation in an environment where implementation of WNP was being forborne on a permanent basis. In that context, carriers would be forced to incur all costs associated with WNP,

without any of the benefits associated therewith. Most importantly, those costs would have been totally unnecessary absent implementation of WNP.

Respectfully submitted,

/s/ Frank A. Rondinelli
Frank A. Rondinelli
Electrical Engineer

CERTIFICATE OF SERVICE

I, LaWanda Y. Tyson, a secretary with the law firm of Kurtis & Associates, P.C., do hereby certify that I have this 22nd day of October 2001, had copies of the foregoing "REPLY COMMENTS" sent via First Class United States Mail, postage prepaid:

Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Chairman Michael Powell
Federal Communications Commission
445 12th Street, S.W., Room 8-A204C
Washington, D.C. 20554

Commissioner Kathleen Abernathy
Federal Communications Commission
445 12th Street, S.W., Room 8-A204
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W., Room 8-C302
Washington, D.C. 20554

James B. Ramsay, General Counsel
Sharla Barklind, Assistant Counsel
National Association of Regulatory Utility Commissioners

Jennifer Salhus, Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A131
Washington, D.C. 20554

Qualex International
Federal Communications Commission
445 12th Street, S.W., Room CY-B402
Washington, D.C. 20554
(Copies submitted via diskette and paper)

Sylvia Lesse
John Kuydendall
Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Suite 520
Washington, D.C. 20037
Attorneys for Rural Cellular Association

Michael F. Altschul
Senior Vice President & General Counsel
Cellular Telecommunications and Internet Association
1250 Connecticut Ave., N.W., Suite 800
Washington, D.C. 20036

Jodi J. Bair, Assistant Attorney General
Public Utilities Commission of Ohio
Public Utilities Section
180 East Broad Street
Columbus, OH 43215-3793

Barclay Jackson, Esquire
New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, NH 03301

1101 Vermont Ave., N.W., Suite 200
Washington, D.C. 20005

Douglas Brandon,Vice President
External Affairs
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W., 4th Floor
Washington, D.C. 20036

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1424 Sixteenth Street, N.W., Suite 105
Washington, D.C. 20036
Attorneys for Association of Communications Enterprises

Suzanne Toller
Jane Whang
Davis Wright Tremaine LLP
One Embarcadero Center, Suite 600
San Francisco, CA 94111
Attorneys for AT&T Wireless

J.R. Carbonell
Carol L. Tacker
David G. Richards
Cingular Wireless LLC
5565 Glenridge Connector, Suite 1700
Atlanta, GA 30342

Luisa L. Lancetti, Vice President
Sprint Spectrum L.P. dba Sprint PCS
PCS Regulatory Affairs
401 9th Street, N.W., Suite 400
Washington, D.C. 20004

Glenn S. Rabin, Assistant Vice President
Federal Regulatory Affairs
ALLTEL Communications, Inc.
601 Pennsylvania Avenue, N.W., Suite 720
Washington, D.C. 20004

Joseph Assenzo
Sprint PCS
6160 Sprint Parkway
Mail Stop: KSOPHIO414-4A325
Overland Park, KS 66251

Gregg Faber, Utilities Analyst
Vermont Public Service Board
Drawer 20
Montpelier, VT 05620-2701

John T. Scott, III, Vice President and
Deputy General Counsel-Regulatory Law
John M. Goodman, Attorney
Anne E. Hoskins
Lolita D. Smith
Verizon Wireless
1300 I Street, N.W. Suite 400 West
Washington, D.C. 20005

Tally Frenkel, Associate Counsel
Wireless Regulatory Affairs
WorldCom, Inc.
1133 19th Street, N.W.
Washington, D.C. 20036

Brian T. O'Connor, Vice President
Legislative and Regulatory Affairs
Anna Miller
VoiceStream Wireless Corporation
401 9th Street, N.W., Suite 550
Washington, D.C. 20004

Ronald L. Ripley, Vice President and
Senior Corporate Counsel
Dobson Communications Corporation
14201 Wireless Way
Oklahoma City, OK 73134

Eva Marie Wohn, Vice President of
External Affairs
United States Cellular Corporation
8410 West Bryn Mawr Avenue, Suite 700
Chicago, IL 60631-3486

Lawrence G. Malone, General Counsel
Brian Ossias, Assistant Counsel
Public Service Commission of The State of
New York
Three Empire State Plaza
Albany, New York 12223-1350

Henry J. Boynton, Assistant Attorney General
Michigan Public Service Commission
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911

Max Yzaguirre, Chairman
Brett A. Perlman, Commissioner
Rebecca A. Klein, Commissioner
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, TX 78711

Donald W. Downes, Chairman
Glenn Arthue, Vice-Chairman
Jack R. Goldberg, Commissioner
John W. Betkoski, III, Commissioner
Linda J. Kelly, Commissioner
Connecticut Department of Public Utility
Control
Ten Franklin Square
New Britain, CT 06051

/S/ LaWanda Y. Tyson